

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

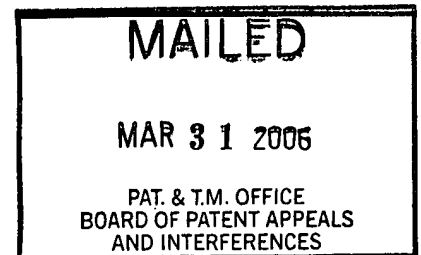
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte KAZUAKI KINJYOU

Appeal No. 2005-2498
Application No. 09/758,203

HEARD: November 17, 2005



Before FRANKFORT, PATE, and CRAWFORD, Administrative Patent Judges.
PATE, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-7. These are the only claims in the application.

The claimed invention is directed to a removing claw for use in removing a toner sheet or an image receiving sheet from a drum in a thin film transfer device. The removing claw has an upper face that contacts the recorded medium to be removed. The side faces join the upper face with rounded portions which extend along the length of the side faces.

The invention may be further understood with reference to claims 1-7 on appeal which are appended to appellant's appeal brief.

The reference of record relied upon by the examiner as evidence of obviousness is Sone.

Sone	4,447,054	May 8, 1984
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The Rejection

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over applicant's admitted prior art in view of the Sone patent disclosure. According to the examiner, the admitted prior art teaches a recording apparatus having a removing means which comprises a claw. The examiner is further of the view that the admitted prior art does not show a rounded portion joining the upper face and the side faces of the removing claw. The examiner therefore concludes that it would have been obvious to one of ordinary skill at the time of the invention to modify the admitted prior art to have rounded portions as taught by Sone in order to prevent damage to the recording medium, the toner sheets, and the fixing member from a sharp edge of the removing claw.

OPINION

We have carefully reviewed the rejection on appeal in light of the arguments of the appellant and the examiner. As a result of this review, we have reached the conclusion that the applied prior art does not establish the prima facie obviousness of

the claimed invention. Therefore, the rejection on appeal is reversed. Our reasons follow.


Turning to the disclosure in Sone, in Figure 6a and 6b, we note that only one sentence of the Sone written description describes these Figures. Appellant and the examiner appear to disagree about how the claw of Sone is installed in the recording device. With respect to Figure 6b, the examiner has labeled the flat face where the lead line 1 is pointing as the upper face and the two faces depending downwardly therefrom as the side faces. On the other hand, the appellant states that the claw would be flipped and installed on a mounting post 3 as shown in Figure 2. It is noted that the invention in Sone is mainly addressed to forming the removing claw out of sheet metal rather than the previously used plastic material.

Regardless of the orientation of the claw in Figure 6a and 6b when in the apparatus taught by Sone, it is apparent to us that Sone would not teach or suggest the claimed subject matter. The side faces in Figure 6b are shown as rectangular and abruptly squared off rather than being reduced toward the claw tip. On the other hand, if Figure 6a is considered, then there is no non-curvilinear portion provided between the rounded portion of the claw. Therefore, notwithstanding Sone's disclosure of a pawl or claw having a u-shaped section, a combination of the teachings of Sone and the admitted prior art would not meet the features of appellant's independent claims 1, 4 or 7. Therefore, the rejection is reversed.

In summary, the rejection of claims 1-7 is reversed.

Charles E. Frankfort
CHARLES E. FRANKFORT
Administrative Patent Judge


WILLIAM F. PATE, III
Administrative Patent Judge


MURRIEL E. CRAWFORD
Administrative Patent Judge

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